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MAILED

JUL 28 2010

OFFICE OF PETITIONS

In re Application :
Janssens, et al. :
Application No. 10/540,447 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: June 22, 2005 :
Dkt. No.: JAB1731USPCT1 :

This is in response to the "Disclosure Letter Patent Term Adjustment Determination Letter 37 CFR 1.705," filed May 4, 2010. This matter is being properly treated under 37 CFR 1.705(b).

The request for reconsideration of patent term adjustment is **GRANTED**.

Applicants assert that the patent term adjustment of 484 days indicated in the Determination of Patent Term Adjustment mailed February 9, 2010 may be longer than appropriate. Applicants assert that the adjustment of 484 days does not include a period of reduction for applicant delay in connection with the petition to revive filed April 3, 2009. Applicants request that the Office review the PTA calculation for this application, and if necessary, adjust the term as appropriate.

In addition to the 21 days of delay accorded pursuant to 37 CFR 1.704(b) in connection with the reply filed April 30, 2008, the adjustment is subject to an additional reduction of 172 days pursuant to 37 CFR 1.704(c)(3)(i) in connection with the petition filed April 3, 2009. The reduction commenced November 7, 2008, the date of abandonment of the application, and ended April 27, 2009, the date that the petition decision reviving the application was mailed.

In view thereof, as of the time of allowance, the application is entitled to a patent term adjustment of 312 days (adjustment of 505 days less reductions of 193 days).

The \$200.00 patent term adjustment application required per 37 CFR 1.18(e) has been charged to the authorized deposit account.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Adjusted PAIR Calculation

Day : Monday
Date: 7/26/2010

PALM INTRANET

Time: 12:59:48

PTA Calculations for Application: 10/540447

Application Filing Date:	06/22/2005	PTO Delay (PTO):	505
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	21
Post-Issue Petitions:	0	Total PTA (days):	312
PTO Delay Adjustment:	-172		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
85	07/26/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		172	
77	02/09/2010	MAIL NOTICE OF ALLOWANCE			
76	02/04/2010	ISSUE REVISION COMPLETED			
75	02/04/2010	DOCUMENT VERIFICATION			
74	02/04/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
73	02/01/2010	NOTICE OF ALLOWABILITY			
71	01/26/2010	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
69	01/26/2010	REFERENCE CAPTURE ON IDS			
68	01/26/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
67	01/26/2010	REQUEST FOR CONTINUED EXAMINATION (RCE)			
66	01/27/2010	DISPOSAL FOR A RCE / CPA / R129			
65	01/27/2010	TC RETURN TO PUBS			
64	01/26/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
63	01/26/2010	WORKFLOW - REQUEST FOR RCE - BEGIN			
62	12/04/2009	FINISHED INITIAL DATA CAPTURE			
61	10/30/2009	EXPORT TO INITIAL DATA CAPTURE			
60	10/26/2009	MAIL NOTICE OF ALLOWANCE			
59	10/23/2009	ISSUE REVISION COMPLETED			
58	10/23/2009	DOCUMENT VERIFICATION			
57	10/23/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
56	10/23/2009	NOTICE OF ALLOWABILITY			
		INFORMATION DISCLOSURE STATEMENT			

55	10/09/2009	CONSIDERED			
54	10/09/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
53	10/14/2009	DATE FORWARDED TO EXAMINER			
52	10/09/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
51	10/14/2009	DATE FORWARDED TO EXAMINER			
50	10/09/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
49	10/14/2009	DISPOSAL FOR A RCE / CPA / R129			
48	10/09/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
47	10/09/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
46	07/14/2009	EXPORT TO INITIAL DATA CAPTURE			
45	07/09/2009	MAIL EXAMINER'S AMENDMENT			
44	07/09/2009	MAIL NOTICE OF ALLOWANCE			
43	07/07/2009	ISSUE REVISION COMPLETED			
42	07/07/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
41	07/07/2009	CASE DOCKETED TO EXAMINER IN GAU			
40	07/07/2009	DOCUMENT VERIFICATION			
39	06/22/2009	EXAMINER'S AMENDMENT COMMUNICATION			
38	06/22/2009	NOTICE OF ALLOWABILITY			
37	06/05/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
36	05/12/2009	DATE FORWARDED TO EXAMINER			
35	04/03/2009	RESPONSE AFTER NON-FINAL ACTION			
34	05/13/2009	MAIL NOTICE OF RESCINDED ABANDONMENT			
33	05/12/2009	NOTICE OF RESCINDED ABANDONMENT IN TCS			
32	04/27/2009	MAIL-PETITION TO REVIVE APPLICATION - GRANTED			
31	04/27/2009	PETITION TO REVIVE APPLICATION - GRANTED			
30	04/03/2009	PETITION ENTERED			
29	02/27/2009	MAIL ABANDONMENT FOR FAILURE TO RESPOND TO OFFICE ACTION			
28	02/24/2009	ABAND. FOR FAILURE TO RESPOND TO O. A.			
27	08/06/2008	MAIL NON-FINAL REJECTION			
26	08/04/2008	NON-FINAL REJECTION			

25	04/30/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
24	04/30/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	22
23	05/29/2008	DATE FORWARDED TO EXAMINER			
22	04/30/2008	RESPONSE AFTER NON-FINAL ACTION		21	19
21	04/30/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
20	04/30/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	01/09/2008	MAIL NON-FINAL REJECTION	505		6
18	01/07/2008	NON-FINAL REJECTION			
13	03/15/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	06/22/2005	PRELIMINARY AMENDMENT			
11	06/22/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
10	03/15/2006	CASE DOCKETED TO EXAMINER IN GAU			
9	11/22/2005	CLEARED BY OIPE CSR			
8	11/22/2005	CLEARED BY OIPE CSR			
7	11/22/2005	CLEARED BY OIPE CSR			
6	06/22/2005	371 COMPLETION DATE			
5	10/25/2005	APPLICATION DISPATCHED FROM OIPE			
4	10/25/2005	NOTICE OF DO/EO ACCEPTANCE MAILED			
3	07/21/2005	PCT CLASSIFICATION			
2	07/21/2005	PCT CLASSIFICATION			
1	06/22/2005	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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